

Court of Appeals, State of Michigan

ORDER

City of Bloomfield Hills v William P. Froling

Docket No. 288766

LC No. 2008-088541-CE

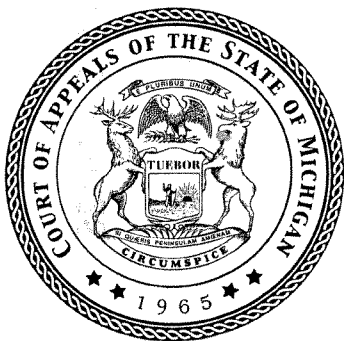
Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Henry William Saad
Judges

The Court orders that the motion to enforce MCR 7.208(A) is DENIED.

Jansen, P.J., dissents and states as follows: I would, on the Court's own motion, grant leave to appeal in this matter. Pursuant to MCR 7.208, the trial court had no authority or jurisdiction to issue an award of money damages, thereby altering its earlier "final" order, after defendants had already filed their appeal with this Court. I acknowledge that under MCR 7.208(I), the trial court would have been authorized to award taxable costs or case evaluation fees after defendants filed their appeal. However, the dollar amount sought by plaintiff in this case was neither an award of case evaluation fees nor an award of taxable costs. Instead, it was a simple judgment for money damages. The trial court's action of awarding these money damages after the filing of defendants' appeal was strictly forbidden by MCR 7.208(A).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 6 2009

Date

Sandra Schultz Mengel
Chief Clerk